strained construction in order to defeat a forfeiture. *Kreiss v. Aetna Life Ins. Co.* (1920) 229 N. Y. 54, 127 N. E. 481; *Walther v. Southern Surety Co.* (1920) 187 Ky. 466, 219 S. W. 183. The New Jersey Court of Appeals, in construing a clause similar to the one in the instant case, has just decided that "participation in aeronautics" covers a passenger in an airplane and that the parties did not intend that it should include only those physically active in the control and management of the machine. *Bew v. Travelers Ins. Co.* (1921, N. J.) 112 Atl. 859.

INTOXICATING LIQUORS—NATIONAL PROHIBITION ACT—TRANS-SHIPMENT OF INTOXICATING LIQUORS THROUGH THE UNITED STATES.—The plaintiff, a British corporation, transported from Scotland to New York cases of intoxicating liquors which were to be trans-shipped in the Port of New York to a vessel of another corporation, running from New York to Bermuda, the destination of the liquor. The defendant, the Collector of Customs for the Port of New York, threatened to seize the cases, and the plaintiff sought an injunction. *Held,* that the transportation through the United States of liquors which originate and are destined to foreign countries is prohibited by the National Prohibition Act. Act of Oct. 28, 1919 (41 Stat. at L. 305). *The Anchor Line v. Aldridge, Collector of Customs for the Port of New York* (1921, U. S. D. C. S. N. Y.) 66 N. Y. L. JOUR. 321 (Oct. 27, 1921).

The case is the first decision on the facts. The Act of May 21, 1900 (31 Stat. at L. 181) permitting the trans-shipment of merchandise through the territory of the United States is apparently repealed by the National Prohibition Act. The first sentence of sec. 35 of this Act repeals all prior acts to the extent of their inconsistency. *United States v. Yuginovich* (June 1, 1921) U. S. Sup. Ct., Oct. Term, 1920, No. 523. But this section has been variously construed by the Federal Courts. See *United States v. Stafoff* (1920, E. D. Mo.) 268 Fed. 417; *United States v. Turner* (1920, W. D. Va.) 266 Fed. 248.

NEGLIGENCE—PRIVITY OF CONTRACT—TICKER-SERVICE SUPPLIED TO THIRD PARTIES.—The defendant association, engaged in supplying subscribers with current news by ticker service, erroneously reported a Supreme Court decision on the taxability of stock dividends. The plaintiff, relying on the information, sold stocks at a loss and brought an action for damages, alleging negligence. The defendant demurred. *Held,* that the demurrer should be sustained since there was no privity between the plaintiff and defendant. *Jaillet v. Cashman* (1921, N. Y. Sup. Ct.) 115 Misc. 383.

Those engaged in supplying information are traditionally immune from liability in a suit by those not in privity of contract. It is an interesting relic of a once rigid principle that negligence in the performance of a duty was not actionable by those not in privity to an express or implied contract. See 1 Beven, *Negligence* (3d ed. 1908) 103; COMMENTS (1921) 30 YALE LAW JOURNAL, 607.

TAXATION—STOCK DIVIDEND NOT INCOME.—The defendants were shareholders in companies which had declared a bonus out of profits and had distributed fully paid-up shares to the shareholders in satisfaction of the bonus. No option of cash payment was given. The question arose whether the shares were income liable to the supertax within the meaning of the Finance Act. (1910) 10 Edw. VII., c. 8, sec. 66. *Held,* that the shares were not income. *Commissioners of Inland Revenue v. Blott & Greenwood* (1921, H. L.) 37 T. L. R. 762.

The instant case is interesting in that the House of Lords reached the same conclusion in defining income as the Supreme Court of the United States. *Eisner v. Macomber* (1920) 252 U. S. 189, 40 Sup. Ct. 189. For discussion, see Clark, ***Eisner v. Macomber and some Income Tax Problems*** (1920) 29 YALE LAW JOURNAL, 734.